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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,836	11/30/2001	Adolf Proidl	AT 000068	3541

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
SHIBRU, HELEN	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
01/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/015,836	PROIDL ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed 10/09/2007 have been entered and made of record. Claims 1-13 are pending.

Response to Arguments

2. Applicant's arguments filed 10/09/2007 have been fully considered but they are not persuasive.

In re pages 8 and 9 Applicant states "Henning fails teach or suggest the feature of the present invention whereby recording will commence at a recording start time (ABZ) which is a lead time before the broadcast start time.... Henning, at a minimum would not record the start of the program....if Die Pyramide was broadcast at 20:45 with an improper VPS code, Henning would not take any action until 20:50, the time stored in his scheduler."

In response the examiner respectfully disagrees. Henning in fact records program records the beginning of a program if it broadcast early. Fig. 4a shows a prior art conventional VCR, and Henning discloses in a conventional VCR if the editor inadvertently typed an incorrect VPS_time code, nothing will be recorded though the editor has changed the VPS time. However in operation of a fault-tolerant VCR (see fig. 4b) shows that have been programmed are recorded correctly. Applicant attention is directed to col. 5 lines 12-40 where it teaches that an incorrect time code 2055 has been changed to the correct entry 2050 and the correct VPS code will be transmitted when the television show begins and the television show will be correctly recorded. Hence Henning does record the start of the program. Henning teaches in a fault-tolerant VCR, controller 150 continuously searches the received teletext pages for entries corresponding to

preprogrammed VPS codes, and the preprogrammed information for the show is updated to reflect the corrected title (see 460 in fig. 4b). Henning further teaches the actual starting times may be changed if, for example, the previously scheduled program is a sporting event when disclosing column 410 and 411 which are shown in fig. 4b as well.

Henning teaches a correct recording is made even though the editor has not corrected incorrect VPS data on the TV program schedule pages. Controller 150 corrects an incoming VPS code according to the schedule if it is not found on TV program schedule pages (see col. 6 line 64-col. 7 line 7).

Applicant attention is also directed to col. 7 lines 8-33 where Henning further teaches a television show "Die Pyramide" is recorded at 2050 properly even though VPS schedule page contains incorrect VPS time code. Henning teaches in a conventional VCR nothing will be recorded, however; in Henning's invention controller 150 will replace the VPS code according to the schedule. The television show corresponding to the VPS time code of the current time slot (i.e. 20:50) was preprogrammed for recording, and therefore recording is initiated.

In re page 9 Applicant states "neither Henning nor Jackson, either singly or in combination, teaches the use of recording start time defined as a lead time interval before the broadcast start time of the programmed information broadcast."

In response the examiner respectfully disagrees. Jackson teaches a method for controlling an operation of a recording device so as to record a program on time. Jackson discloses the recording process begins when the programming selection is actually aired. Jackson further discloses real-time schedule changes to occur for both starting time and stopping time, and ensure the entire program will be recorded (see col. 5 line 51-col. 6 line 20 and fig. 2). Jackson in

fact teaches beginning a recording process when a program aired not necessarily when it was originally scheduled to begin. Hence Jackson teaches recording will commence at a recording start time which is a lead time before the broadcast start time.

Therefore the cited references teach the limitation of the independent claims, recording will commence at a recording start time which is a lead time before the broadcast start time.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennig (US Pat. No. 5,956,455) in view of Jackson (US Pat. No. 5,963,264).

Regarding claim Regarding claim 1, Hennig discloses a recording arrangement for the error-tolerant recording of an information signal (FS) of an information broadcast programmed for recording and identified by a broadcast identification (VPS-PI) and a broadcast start time (SBZ-PI) (See col. 6 line 66-col. 7, errors are corrected), having

receiving means (see tuner 100 in fig. 1) for receiving the information signal in which information broadcasts and associated broadcast identifications can be transmitted, and having recording means (VCR in fig. 1) for recording the received information signal on a record carrier in a recording mode of the recording arrangement (see figure 1 a simplified block diagram of a VCR, which includes tuner 100 for selecting a particular television signal from a plurality of television signals received by an antenna 105. The VCR also includes a microcomputer 110 that receives data entered by a user from the remote control unit or from the keypad. Upon pressing the appropriate button, the necessary VPS program and their identification information is

transferred to the VCR. See also figure 6 and col. 3 lines 9-22), and having recording control means for evaluating both the broadcast identification of the programmed information broadcast being detected in the information signal and a recording start time of the programmed information broadcast is reached, which recording start time is reached a lead time interval before the broadcast start time of the programmed information broadcast (The prior art Figure 4a shows that the user instructs the VCR to program itself with the data necessary to record the particular television show on a particular day. The VCR also comprises a controller for storing schedule data. The schedule data includes time code data indicative of starting time of a particular date and a television program identification code. See col. 4 lines 39-61 and claims 1 and 2. See also paragraph 2 above. See also col. 4 lines 57-61 where it teaches that the actual starting times may be changed if the previously scheduled program was a sporting event which ran over time).

Hennigs further discloses automatically changes said identifying signal of a particular television program which said schedule indicates as the currently running television program (see claim 1, i.e. the recording is based on the current schedule). Hennigs discloses, in a conventional VCR, the editor in one particular example inadvertently typed an incorrect VPS time code (col. 4 line 39-col. 5 line 11). When the editor noticed the error, he/she changed the time to the correct VPS time of 2050. Because the program memory in the VCR still contains the erroneous VPS time code data, nothing will be recorded. However according to Hennigs invention, if controller 150 does not find the VPS code in the Current VPT page, controller 150 concludes that the received code is incorrect and replaces it with the VPS code **according to the**

schedule (see col. 6 line 12-col. 7 line 33). To further show that the limitation is well known in the art, the Examiner cites the secondary reference.

Jackson discloses the recording process begins when the programming selection is actually aired. Jackson further discloses real-time schedule changes to occur for both starting time and stopping time, and ensure the entire program will be recorded (see col. 5 line 51-col. 6 line 20 and fig. 2). Therefore in light of the teaching in Jackson, it would have been obvious to record a program at a recording start time in order record the selected event entirely.

Regarding claim 2, Hennig discloses the end of the programmed information broadcast is defined by a broadcast end time and in which the recording control means are adapted to deactivate the recording mode when both the absence of the broadcast identification of the programmed information broadcast is detected and a recording end time of the programmed information broadcast is reached, which recording end time is reached a trailing time interval after the broadcast end time of the programmed information broadcast (see col. 4-6 if the VPS code is incorrect the recording is delayed from its originally scheduled time otherwise the recording ends on the particular schedule ending time. See also claim 1 in Jackson).

Regarding claim 3, Hennig discloses which marking means are provided, which marking means are adapted, in the recording mode of the recording arrangement, to store marking information defining the current recording position on the record carder when the broadcast identification received in the information signal changes (see col. 5 line 56-col. 6 line 11 and figure 9).

Regarding claim 4, Hennig discloses offline analysis means are provided, which analysis means are adapted, after deactivation of the recording mode, to analyze the recorded information

signal and to mark information signal portions of the recorded information signal which have common characteristics with marking information, the characteristics to be analyzed being, for example, a picture frequency, velocity information of objects of the picture content, text information of the picture content, color information of the picture content or sound information of the recorded information signal (see figures 6, 10 and 11).

Regarding claim 5, Hennig discloses the offline analysis means are adapted to define stored marking information as a reproduction start position and/or to define stored marking information as a reproduction end position of the information broadcast recorded in the recording means (see col. 4 line 5-23 and col. 5 lines 46-53).

Regarding claim 6, Hennig discloses the recording control means are adapted to activate the recording mode when the broadcast identification of the information broadcast transmitted before the programmed information broadcast is no longer detected in the sequence of broadcast identifications included in the received information signal (see figures 7-9).

Regarding claim 7, Hennig discloses the recording control means are adapted to deactivate the recording mode when the broadcast identification of the information broadcast transmitted after the programmed information broadcast is already detected in the sequence of broadcast identifications included in the received information signal (See cols. 5 and 6).

Regarding claim 8, Hennig discloses receiving means for receiving a further information signal are provided, in which further information signal further programmable information broadcasts and associated broadcast identifications can be transmitted (see figure 6).

Regarding claim 9, Hennig discloses recording scheduler means are provided by which an information broadcast to be recorded can be programmed and which are adapted to evaluate

electronic program information received by the receiving means, which electronic program information includes both broadcast start times and the expected sequence of broadcast identifications of the information broadcasts to be expected in the information signal to be recorded (see claims 1 and 2).

Regarding claim 10, Hennig discloses the record carrier takes the form of a hard disk (see figure 1).

Regarding claim 11, Hennig discloses the recording control means include VPS decoder means for decoding a VPS code which forms the broadcast identification (see figure 1 and col. 3).

Claims 12 and 13 are rejected for the same reason as discussed in claims 1 and 2 respectively above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
December 11, 2007